PROCEEDINGS
OF
THE TRAVANCORE LEGISLATIVE ASSEMBLY

FIRST ASSEMBLY.

THIRD SESSION—SECOND MEETING

VOL. III: No. 7.

Monday the 14th February 1949/3rd Kumbhom 1124.

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The Travancore Legislative Assembly met in the Legislative Chamber, Public Offices, on Monday, the 14th February 1949/3rd Kumbhom 1124 at eleven of the clock with the President (the Hon'ble Mr. R. V. Thomas) in the Chair.

MR. ABDUL RAZAAK (*Nedumangad I—Muslim*): Before we take up the business on the agenda, I would like to know under whose orders this House is so heavily guarded and also, Sir, I would like to know whether they have instructions to take to some lathi charging in the case of any eventuality?

MR. PRESIDENT: It is a hypothetical case—whether they have got orders for lathi charge. I disallow such a question.

MR. ABDUL RAZAAK: My former question stands, Sir.

MR. PRESIDENT: You can rest assured no such order will be issued by the President.

MR. ABDUL RAZAAK: My question is, under whose orders?

MR. PRESIDENT: The question is answered. Please resume your seat.

MR. ABDUL RAZAAK: My former question is not answered. What I want to know is.....

MR. PRESIDENT: The discussion is over. It is a question of fact whether the House is heavily guarded or only reasonably guarded. So no more questions.

MR. A. NESAMONY (*Vilavancode—S. I. U. C.*): Sir, on a point of order. I wish to have a ruling from the Chair whether the questions and answers set down in the orders of today are in order. Rule 10 of the Legislative Assembly Rules govern the admission of the questions to be answered on the floor of the House:—

"Notice of a question shall be given in writing to the Secretary and shall specify —

(a) the official designation of the member to whom it is addressed, or if the question is addressed to a non-official member, the name of such member; and

[Mr. A. Nesamony]

(b) the date upon which the question is proposed to be placed on the list of questions for answer."

The Standing Orders on that matter are contained in Orders 14 to 16 of the Standing Orders.

S. O. 14 :—Questions which have not been disallowed shall be entered in the list of questions for the day and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting.

15 :—Questions shall be put and answers given in such manner as the President may, in his discretion, determine.

16 :—If on a question being called, it is not put, or if the member in whose name it stands is absent, the President at the request of any member may direct that the answer to it be given."

"These are the relative rules and Standing Orders which govern the admission and method of the answer to the questions thus admitted. But, Sir, in R. O. C. No. 213/48 L. A. dated 7th October 1948 you have been pleased to issue an order :—"In pursuance of Standing Order 15 of the Travancore Legislative Assembly Standing Orders, the President is pleased to make the following order regarding the manner in which questions shall be put and answers given." That relates back to Standing Order 15, *viz.*, "questions shall be put and answers given in such manner as the President, may, in his discretion, determine." Now, what is meant by the questions put is stated in Rule 16 :—"No discussion shall be permitted in respect of any questions or of any answer given to a question." So that a question to be put has a technical meaning when we read through the Standing Orders. The interpretation that has been set out in R. O. C. 213/48/L. A. I submit, is wrong and ultra vires. Are the powers of the President of this Assembly...

MR. PRESIDENT: Please read once more the order you refer to.

MR. A. NESAMONY: "In pursuance of Standing Order 15 of the Travancore Legislative Assembly Standing Orders the President is pleased to make the following order regarding the manner in which questions shall be put and answers given....."

MR. A. THANU PILLAI (*Trivandrum II—General*): Is there any possibility of making these benches also understand what is taking place between the President and the honourable member?

MR. PRESIDENT: The President is trying to make proper arrangements so that everything may be heard by all the members present but it will take some time to complete the arrangements.

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MR. T. A. MOHIDEEN KUNJU: ബഹുമാനപ്പെട്ട പ്രസിഡന്റെങ്കിലും മലയാളത്തിൽ സംസാരിച്ചാൽ ഇംഗ്ലിഷും മലയാളവും തമിഴും അറിയാവുന്നവക്ക് ഒരുപോലെ മനസിലാക്കാൻ സാധിക്കും എന്നു ഞാൻ അറിയിച്ചുകൊള്ളുന്നു.

MR. A. NESAMONY: R. O. C. No. 213/48/L. A. reads thus:

"In pursuance of Standing Order 15 of the Travancore Legislative Assembly Standing Orders, the President is pleased to make the following order regarding the manner in which questions shall be put and answers given."

As regards the manner in which questions have to be 'put,' the Standing Order attributes a particular meaning in Standing Order 16. It is on the floor of the House that a question is 'put.' This rule relates to the admission of the questions as starred and unstarred. Section 16 of the Interim Constitution Act 1123, provides for the making of Standing Orders:

"It shall be lawful for the Legislative Assembly to make from time to time standing orders for the conduct of business and the procedure to be followed in the Legislative Assembly in so far as these matters are not provided for by the rules made under this Act. The first Standing Orders shall be made by Our Government, but may be altered by the Legislative Assembly. Any Standing Order made as aforesaid which is repugnant to the provisions of any rules made under this Act, shall, to the extent of the repugnancy but not otherwise, be void."

So the Standing Order made by the President under Standing Order 15 is ultra vires and void and hence I submit, Sir, that the inclusion and the numbering of the questions in the orders of the day are irregular and are void and should not be taken up for consideration in this Assembly. I invite a ruling on this matter.

MR. PRESIDENT: I will give a considered ruling afterwards. Now we will proceed with the questions.

MR. K. S. JOSEPH (*Thiruvalla VI—General*): May I suggest that points of order may be taken up after question time?

QUESTIONS AND ANSWERS

MR. K. RAMAKRISHNA PILLAI (*Ambalapuzha I—General*): ചോദ്യോത്തരങ്ങൾക്കായി അനുവദിച്ചിട്ടുള്ളത് ഒരു മണിക്കൂറാണ്. ഇപ്പോൾ തന്നെ വളരെയധികം നഷ്ടപ്പെട്ടു. ആ സമയംകൂടി ഉൾപ്പെടുത്തി ഒരു മണിക്കൂറായി തരാമോ ഇല്ലയോ എന്നു വ്യക്തമായി ഞാൻ ആവശ്യപ്പെടുന്നു.

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